

REMARKS

This Amendment is respectfully submitted to reopen prosecuting following the June 29, 2009 Decision of the BPAI (“June 2009 Decision”) granting Applicant’s request for rehearing of the BPAI’s December 29, 2008 Decision in Appeal 2008-004102, designating its December 2008 Decision a new ground of rejection under 37 C.F.R. § 41.50(b). Applicant hereby submits this Amendment, pursuant to 37 C.F.R. § 41.50(b)(1), to reopen prosecution. Claims 1-24 remain in this application. Claims 1, 7, 12, 13, 16, and 22-24 have been currently amended. Claims 1, 7, 13, and 22-24 are independent.

In the June 2009 Decision, the BPAI advised Applicant to amend the claims to overcome the rejection based on 35 U.S.C. § 102(b), based on Hausman (U.S. Patent Application Publication No. 2004/0030632) and specifically claim that the encoding and interpreting steps recited in the method claims 1, 7, and 13 are performed using a computing device. (BPAI June 2009 Decision at 3-4.) Applicant has made amendments that the BPAI advised Applicant to make. Applicant has also made similar amendments to claims 22, 23, and 24, which distinguish those claims from Hausman. These amendments find support throughout the specification, including paragraphs [0022]-[0029], [0035]-[0039], [0044]-[0053], Figs. 1-4.

Hausman does disclose optionally using the FIX protocol in connection with programs, methods, and systems for associating a proposal for a trade in at least one

financial interest with at least one other financial interest or index described in Hausman. That is not the same as using the FIX protocol in a manner in which FIX protocol messages are interpreted according to a coded meaning defined to be *different* than the standard publicly-known meaning within the FIX field delimited protocol. That is not disclosed, taught, or suggested in Hausman.

As described, the Hausman system is not capable, *without modification*, of performing claimed functions of communicating, storing, interpreting, and encoding messages communicated in a field delimited communication protocol to have coded meanings different than the standard, publicly-known meaning under the field delimited communication protocol.

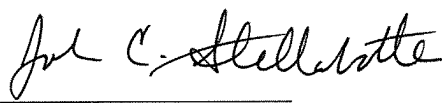
Applicant respectfully requests that the rejections based on Hausman et al. be withdrawn.

Conclusion

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-24 are patentably distinct over the prior art of record, that the application is in proper form for allowance of all claims, and earnestly solicits a notice to that effect.

Respectfully submitted,

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